

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 126 OF 2005

MRS.ANTONETA PINTO AND 4 ORS., ...Petitioners

Versus

MRS.LOURECINHA PINTO AND 3 ORS., ...Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Ms. B. Bhise, Advocate
for the petitioners.

Mr. S. G. Bhobe, Advocate for the respondents No.1 and 2.

Coram:- R. M. LODHA, J.

Date:- 13th October, 2005

P.C.

After arguing the writ petition for some time, the learned Senior Counsel and the learned Counsel agreed that the writ petition may be disposed of by the following Order :

(i) The petitioners, without prejudice to the rights and contentions of the respondents (plaintiffs), are permitted to complete the renovation/repairs/reconstruction of the subject-property.

(ii) The petitioner shall file an undertaking within two weeks from today before the Trial Court that in the event of plaintiffs' succeeding in the suit, they will either demolish the newly made construction or hand over portion of the newly made construction to the plaintiffs to the extent of their right in the said property, without claiming any compensation or equity.

(iii) The petitioner shall also deposit a sum of Rs.25,000/- with the trial Court for due compliance of the final order that may be passed by

the trial Court while disposing of the suit.

(iv) The order passed by the appeal Court on 11.1.2005 stands modified in the terms aforestated.

(v) Liberty to the plaintiffs to make an application for site inspection before the trial Court.

R. M. LODHA, J.

ssm.